

rule XXII of the Standing Rules of the Senate. Under rule XXII, debate on a pending matter may be limited by a vote of three-fifths of the Senators duly chosen and sworn or, in the case of an amendment to a Senate rule, a vote of two-thirds of the Senators voting, a quorum being present.

The plaintiffs has named as defendants in this action all Members of the Senate, together with the Secretary of the Senate, the Sergeant at Arms, the Parliamentarian, and two executive branch officials. He seeks a declaration that rule XXII is unconstitutional and a court order rewriting rule XXII to permit a simple majority of a quorum to limit debate in the Senate.

With respect to a prior action filed by the same plaintiff also challenging rule XXII, Senate Resolution 150 of the 103d Congress authorized the Senate Legal Counsel to defend Senators named as defendants in that action. With respect to the plaintiff's prior challenge, the district court dismissed the suit for lack of standing. On appeal to the D.C. Circuit Court of Appeals, the appellate court vacated the district court's decision and ordered the plaintiff's complaint dismissed as moot. In his complaint, the plaintiff had sought to present his alleged injury as frustration of the majority party's legislative program by the minority. The appellate court noted that the intervening change in the control of the Senate after the 1994 election had mooted his allegations of injury.

The plaintiff's new action alleges an injury independent of party control, as well as adding non-Member defendants. The new action is subject to the same grounds for dismissal as was the previous action.

Over the years, the Senate has vigorously debated the merits of rule XXII. That debate has included the question that the plaintiff seeks to present to the court in the instant action of whether a majority of the Senate should be permitted to end debate. The resolution of this issue under our constitutional system, Mr. President, is best decided in the Senate and not in the courts.

The resolution at the desk would authorize the Senate Legal Counsel to represent the Members, officers, and an employee of the Senate who have been named as defendants in this case and to move to dismiss the complaint.

Mr. HELMS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 101

Whereas, in the case of *Douglas R. Page v. Richard Shelby, et al.*, C.A. No. 97-0068, pending in the United States District Court for the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page v. Richard Shelby, et al.*

#### COMMENDING THE STATE OF COLORADO FOR ITS EFFORTS REGARDING THE DENVER SUMMIT OF EIGHT

Mr. HELMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 81, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 81) expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts in ensuring success of this historic event.

The Senate proceeded to consider the resolution.

Mr. HELMS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to

the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

#### ORDERS FOR WEDNESDAY, JUNE 18, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m., Wednesday, June 18. I further ask unanimous consent that on Wednesday, immediately following the Chaplain's prayer, the routine requests through the morning hour be granted, and that the Senate then be in a period of morning business until 12 noon, with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator SESSIONS, 60 minutes; Senator DORGAN, 10 minutes; Senator KERRY of Massachusetts, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, the Armed Services Committee has filed the DOD authorization bill. It is the leader's intention to ask consent to turn to that bill at 12 noon on Wednesday. It is the leader's hope that Senators will grant the consent so the Senate can begin debate on this very important piece of legislation. Also, the Senate may be asked to consider the intelligence authorization bill. Therefore, votes can be expected to occur throughout the session of the Senate on Wednesday.

The leader would remind Senators that we have a lot of work to do between now and the Fourth of July recess. Therefore, all Senators' cooperation is essential in order to complete our business in a responsible fashion.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, the only point I would like to make is that under the situation as it now stands as it relates to the DOD bill, there is at least one conflict. Unless it is worked out overnight, or by noon tomorrow, it would be very difficult to move to that piece of legislation. I think everything is all right as it relates to going to the intelligence bill. I think everybody understands it. But for the RECORD, we would be hard pressed, or I would be hard pressed not to recognize Senators on my side and your side.

Mr. HELMS. I thank the Senator.

#### RECESS UNTIL 10 A.M. TOMORROW

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Wednesday, June 18, 1997 at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 17, 1997:

##### DEPARTMENT OF AGRICULTURE

SHIRLEY ROBINSON WATKINS, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE ELLEN WEINBERGER HAAS, RESIGNED.

##### IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

COL. EDWIN J. ARNOLD, JR., 0000  
COL. JOHN R. BATISTE, 0000  
COL. BUFORD C. BLOUNT III, 0000  
COL. STEVEN W. BOUTELLE, 0000  
COL. JOHN S. BROWN, 0000  
COL. EDWARD T. BUCKLEY, JR., 0000  
COL. EDDIE CAIN, 0000  
COL. KEVIN T. CAMPBELL, 0000

COL. JONATHAN H. COFER, 0000  
COL. BANTZ J. CRADDOCK, 0000  
COL. KEITH W. DAYTON, 0000  
COL. BARBARA DOORNINK, 0000  
COL. PAUL D. EATON, 0000  
COL. JEANETTE K. EDMUNDS, 0000  
COL. KARL W. WIKENBERRY, 0000  
COL. DEAN R. ERTWINE, 0000  
COL. STEVEN W. FLOHR, 0000  
COL. NICHOLAS P. GRANT, 0000  
COL. STANLEY E. GREEN, 0000  
COL. CRAIG D. HACKETT, 0000  
COL. FRANKLIN L. HAGENBECK, 0000  
COL. HUBERT L. HARTSELL, 0000  
COL. GEORGE A. HIGGINS, 0000  
COL. JAMES C. HYLTON, 0000  
COL. GENE M. LACOSTE, 0000  
COL. MICHAEL D. MAPLES, 0000  
COL. PHILIP M. MATTOX, 0000  
COL. DEE A. MCWILLIAMS, 0000  
COL. THOMAS F. METZ, 0000  
COL. DANIEL G. MONGEON, 0000  
COL. WILLIAM E. MORTENSEN, 0000  
COL. RAYMOND T. ODIERNO, 0000  
COL. ERIC T. OLSON, 0000  
COL. JAMES W. PARKER, 0000  
COL. RICARDO S. SANCHEZ, 0000  
COL. JOHN R. SCHMADER, 0000  
COL. GARY D. SPEER, 0000  
COL. MITCHELL H. STEVENSON, 0000  
COL. CARL A. STROCK, 0000  
COL. CHARLES H. SWANNACK, JR., 0000  
COL. ANTONIO M. TAGUBA, 0000  
COL. HUGH B. TANT III, 0000  
COL. TERRY L. TUCKER, 0000  
COL. WILLIAM G. WEBSTER, JR., 0000  
COL. JOHN R. WOOD, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL\* AND THE ASSISTANT JUDGE ADVOCATE GENERAL\*\*, U.S. ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 3037:

##### To be major general

\*BRIG. GEN. WALTER B. HUFFMAN, 0000  
\*\*BRIG. GEN. JOHN D. ALTENBURG, JR., 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

##### To be lieutenant general

MAJ. GEN. MONTGOMERY C. MEIGS, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

##### To be lieutenant general

LT. GEN. JOHN N. ABRAMS, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624 AND 628:

##### To be lieutenant colonel

JULIET T. TANADA, 0000

##### IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE

UNDER TITLE 10, UNITED STATES COMMISSION, SECTIONS 12203 AND 12212:

##### To be colonel

JAMES W. ADAMS, 0000  
LYLE M. ANDVIK, 0000  
EUGENE D. ASHLEY, 0000  
GEOFFREY S. AVERY, 0000  
PAUL D. BOESHART, 0000  
LARRY G. BROOKS, 0000  
GARY R. CAZIER, 0000  
STANLEY W. CHAPMAN, 0000  
WILLIAM E. CHMELIR, 0000  
EUGENE R. CHOJNACKI, 0000  
FORREST C. CLARK, 0000  
JOHN W. CLARK, 0000  
HARVEY S. CLEMENT, 0000  
BLAINE COFFEY, 0000  
TIMOTHY J. COSSALTER, 0000  
JOHN R. CROFT, 0000  
HENRY J. DAHLQUIST, 0000  
DANA B. DEMAND, 0000  
RALPH L. DEWSNUP, 0000  
JAMES E. GREEN, 0000  
WAYNE A. GREEN, 0000  
SCOTT A. HAMMOND, 0000  
VAUGHON C. HANCHETT, 0000  
JOHN J. HARTNETT, 0000  
MICHAEL E. HAYEK, 0000  
TERRY P. HEGGEMIER, 0000  
DAVID N. HIPPI, 0000  
CHARLES R. HOBBS, 0000  
MARK R. JOHNSON, 0000  
JESSE D. KINGHORN, JR., 0000  
DAVID F. KIRST, 0000  
PHILIP C. KOCH, 0000  
CARL R. KOSTIVAL, 0000  
JAMES W. KWIATKOWSKI, 0000  
BARBARA A. LOGAN, 0000  
JUDD K. LUNN, 0000  
TIMOTHY B. MALAN, 0000  
DARRYL L. MARSHALL, 0000  
JERRY M. MATSUDA, 0000  
STEPHEN L. MELTSNER, 0000  
DONALD C. MOZLEY, 0000  
RICHARD D. NEWBOLD, 0000  
MAUREEN E. NEWMAN, 0000  
THOMAS W. PAPE, 0000  
MARK W. PARKER, 0000  
GEORGE B. PATRICK II, 0000  
FRANK PONTELANDOLFO, JR., 0000  
RICHARD D. RADTKE, 0000  
ROBERT L. RAVENCAMP, 0000  
MICHAEL R. REED, 0000  
STEPHEN D. RICHARDS, 0000  
RAMSEY B. SALEM, 0000  
STEVEN H. SAYLOR, 0000  
THOMAS E. SCHART, 0000  
TERRY L. SCHERLING, 0000  
WILLIAM J. SCHWARTZ, JR., 0000  
RODGER F. SEIDEL, 0000  
RICHARD A. SHAW, JR., 0000  
MAYNARD R. SHEPHERD, 0000  
SAMUEL M. SHIVER, 0000  
CHARLES E. SMITH, 0000  
FREDERICK H. SMITH, 0000  
ANNETTE L. SOBEL, 0000  
WILLIAM S. TEER, 0000  
JESSE A. THOMAS, 0000  
RANDALL A. VEENSTRA, 0000  
DONALD F. WAID, 0000  
JOHN R. WALTERS, 0000  
PHILIP H. WARREN, 0000  
HAROLD E. WHALEY, 0000  
GARY H. WILFONG, 0000  
MICHAEL B. WOOD, 0000